

REMARKS/ ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 103(a) Rejections

The Examiner has rejected claims 1 - 5, and 9 - 24 under 35 U.S.C. § 103(a) as being unpatentable over Barritz, et al., U.S. Patent 6,519,766 (hereinafter "Barritz") in view of Lanning, U. S. Patent No. 5,787,285 (hereinafter "Lanning").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

As amended, independent Claims 1, 16, and 19 include the claim limitations that are not disclosed nor suggested by Barritz nor Lanning. As a result, applicants' independent claims are patentable over Barritz in view of Lanning.

In particular, applicants' independent claims include the claim limitation, or limitation similar thereto, of:

*. . . obtaining performance data on a first program run on a first system configuration of a system and obtaining performance data on the first program run on a second system configuration of the system, the performance data including a separate system profile for the program corresponding to the first and second*

system configurations, the performance data obtained from a tool;  
and

automatically sorting the performance data for each  
profile to allow for comparison between profiles.. (emphasis  
added) (Applicant's claim 1).

Neither Barritz nor Lanning disclose nor suggest obtaining performance  
data on a program run on multiple system configurations for generating separate  
profiles, as claimed by applicant, in at least claim 1.

Therefore, as a result of neither Barritz nor Lanning disclosing nor  
suggesting, applicant's claimed limitations, applicant's independent claims are  
patentable over Barritz in view of Lanning.

In addition, the remaining claims depend from one of the independent  
claims as discussed above, and therefore include similar limitations, and as a  
result are also patentable over Barritz in view of Lanning.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

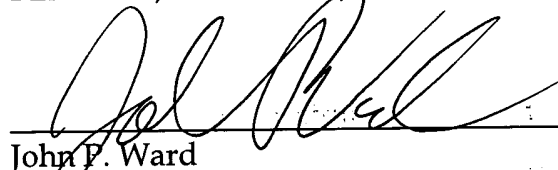
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

2/20/04



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